

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

Mark Purcell FELDER,

Plaintiff,

v.

SHERIFF Van PEAUVY, et. al,

Defendants.

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CIVIL ACTION NO. 5:10-CV-402 (MTT)

ORDER

This matter is before the Court on the Recommendation to Dismiss (the “Recommendation”) (Doc. 15) of United States Magistrate Judge Charles H. Weigle. The Magistrate Judge granted the Plaintiff’s Motion to Proceed *In Forma Pauperis* pursuant to 28 U.S.C. § 1915(a) & (b)(1). Further, the Magistrate Judge, having reviewed the Plaintiff’s 42 U.S.C. § 1983 complaint (Doc. 1) pursuant to 28 U.S.C. § 1915A(a) & (b), recommends dismissing the Plaintiff’s claims against Defendants Captain Turner, Sheriff Van Peavy, and Investigator Lamberth¹ because *respondeat superior* does not apply to Section 1983 actions and prisoners do not have a constitutionally protected interest in an inmate grievance procedure. Further, the Magistrate Judge recommends dismissing the claims against Defendant Terry Hurdle because one instance of denying a meal does not amount to a constitutional violation. Finally, the Magistrate Judge clarifies that institution of criminal proceedings is not a Section 1983 remedy available to the Plaintiff. The Plaintiff did not file an objection to the Recommendation.

¹ Investigator Lamberth is the father of Defendant Deputy Jason Lamberth, a separate party in this action.

The Court has reviewed the Recommendation, and the Recommendation is adopted and made the Order of this Court. The claims against Defendants Captain Turner, Sheriff Peavy, Investigator Lamberth, and Hurdle are **DISMISSED**. The claims against the remaining Defendants shall remain pending.

SO ORDERED, this the 19th day of January, 2011.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT